

A Brief Guide for Families, Organizations and Public Officials

Resources to inform, support and prepare families for a possible return to Mexico

PARENTS IN DETENTION

PARENTAL INTERESTS DIRECTIVE

On August 23, 2013, U.S. Immigration and Customs Enforcement (ICE) issued the Directive: Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities (Parental Interests Directive). This Directive complements existing policy by helping ICE better manage and track cases involving detained immigrant parents or legal guardians who have minor children or who are primary caretakers of minor children, without regard to the dependent's immigration status. Under the Directive, ICE agents should facilitate communication between parents and children and ensure that parents can participate in procedures related to child welfare cases and family courts in the U.S.

Under the Directive:

- Parents must be placed in the detention facility closest to their children.
- Parents have the right to be informed and participate in dependency hearings.
- Children must be allowed to visit their parents in detention, when permitted through the dependency proceedings.

Additionally, ICE personnel should:

- Designate a specific point of contact within each field office for parental-interest matters.
- Complete entry of relevant case information into ICE's data and tracking systems.
- Develop procedures to regularly identify and review cases involving parents, legal guardians and primary caretakers.

If a parent or legal guardian is facing deportation, ICE must allow parents to arrange for their children's care in the U.S. or to make travel arrangements to Mexico. Additionally, the Directive establishes that ICE should grant parents permission to remain temporarily in the U.S. or to return to the U.S. through "humanitarian parole" in order to participate in hearings related to the termination of parental rights.

Under the Trump administration it is unclear to what extent ICE has been complying with the Parental Interests Directive and it could be rescinded at any time. It is important to note that the Directive allows ICE personnel to exercise discretion when implementing the Directive based on an individual case assessment, public safety concerns, and logistic practicality. Due to the uncertainty created by the Trump Executive Orders, parents should consult a lawyer if possible before sharing information about undocumented children with ICE personnel.

View the Parental Interests Directive [here](#).